

SUMMONS IN A CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER  
CLEVELAND, OHIO 44113

CASE NO.  
CV11765887

D3 CM

SUMMONS NO.  
18241433

Rule 4 (B) Ohio

Rules of Civil  
Procedure

MARSHA KELLY  
VS

PLAINTIFF

DAVID BROOKS, ET AL

DEFENDANT

SUMMONS

UNIVERSITY HOSPITALS MEDICAL GROUP  
INC  
C/O ITS STAT AGENT JANET MILLER  
3605 WARRENSVILLE CENTER ROAD  
MSC 9110  
SHAKER HTS. OH 44122-0000

You have been named defendant in a complaint  
(copy attached hereto) filed in Cuyahoga County  
Court of Common Pleas, Cuyahoga County Justice  
Center, Cleveland, Ohio 44113, by the plaintiff  
named herein.

You are hereby summoned and required to  
answer the complaint within 28 days after service  
of this summons upon you, exclusive of the day of  
service.

Said answer is required to be served on:



Plaintiff's Attorney

CHRISTOPHER P THORMAN  
1220 WEST 6TH STREET  
  
SUITE 207  
CLEVELAND, OH 44113-0000

Said answer is required to be served on Plaintiff's  
Attorney (Address denoted by arrow at left.)

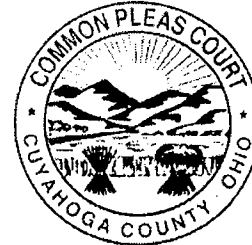
Your answer must also be filed with the court  
within 3 days after service of said answer on  
plaintiff's attorney.

If you fail to do so, judgment by default will be  
rendered against you for the relief demanded in the  
complaint.

Case has been assigned to Judge:

BRIAN J CORRIGAN  
Do not contact judge. Judge's name is given for  
attorney's reference only.

GERALD E. FUERST  
Clerk of the Court of Common Pleas

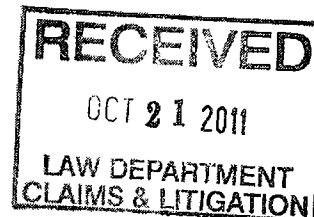


DATE  
Oct 6, 2011

By

Deputy

COMPLAINT FILED 10/04/2011



EXHIBIT

tabbles

A

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

MARSHA KELLY  
3434 Washington Blvd.  
Cleveland Heights, OH 44118,

Plaintiff,

vs.

DAVID BROOKS  
c/o University Hospitals Health Systems, Inc.  
dba University Hospitals, and  
University Hospitals Medical Group, Inc.  
c/o Its Statutory Agent  
Janet Miller  
3605 Warrensville Center Road  
MSC 9110  
Shaker Heights, OH 44122,

and

UNIVERSITY HOSPITALS HEALTH  
SYSTEMS, INC. dba UNIVERSITY  
HOSPITALS  
c/o Its Statutory Agent  
Janet Miller  
3605 Warrensville Center Road  
MSC 9110  
Shaker Heights, OH 44122,

and

UNIVERSITY HOSPITALS MEDICAL  
GROUP, INC.  
c/o Its Statutory Agent  
Janet Miller  
3605 Warrensville Center Road  
MSC 9110  
Shaker Heights, OH 44122,

CASE NO.:

JUDGE:

**COMPLAINT**

**Plaintiff demands a trial by jury on  
all issues triable of right by a jury,  
pursuant to Ohio R. Civ. P. 38.**

and

JOHN DOES I THROUGH V, INCLUSIVE

Defendants.

### **INTRODUCTION**

1. Plaintiff Marsha Kelly is a citizen of the United States and resides in Cuyahoga County, Ohio.
2. Defendant University Hospitals Health System, Inc. dba University Hospitals, is an employer.
3. Defendant University Hospitals Medical Group, Inc. is an employer.
4. Plaintiff Kelly was employed by Defendants until October 6, 2010, at which time she was informed that she was being terminated from her employment.
5. Defendant David Brooks is a resident of Ohio.
6. Plaintiff Kelly does not know the true names and capacities of defendants sued as Does I through V. She will amend the complaint to show the true names of each such defendant when their identities have been ascertained. Each of the Doe defendants encouraged, participated in, and/or ratified and approved the wrongful and unlawful conduct described below. Each of the Doe defendants was at all relevant times, the agent, employee or representative of one or more of the named defendants and/or the other Doe defendants, and was acting within the course and scope of such relationship.
7. The conduct giving rise to the claims described below occurred in Cuyahoga County, Ohio, this Complaint is timely brought, and jurisdiction and venue are proper.

**COUNT ONE**  
**(DEFAMATION)**

8. Plaintiff incorporates into this paragraph the allegations from each of the preceding paragraphs.
9. Defendants have knowingly, with malice and reckless disregard for the truth and in bad faith, published and/or publicly spoken intentional false and defamatory communications without privilege about Plaintiff.
10. Defendants University Hospitals Health System, Inc. dba University Hospitals and University Hospitals Medical Group, Inc. through its agents and employees, knew or should have known of the actions of the other Defendants and ratified, participated or acquiesced in the defamatory acts of the other Defendants.
11. Defendants' intentional false communications were published and/or publicly spoken and were made with malice, in reckless disregard for the truth, in bad faith, and without privilege.
12. Each of Defendants' statements were and are false and untrue and were made by Defendants for the purpose of and intent to injure Plaintiff Kelly in her profession and her reputation, and the statements did injure Plaintiff Kelly in her profession and in her personal standing and reputation.
13. As the direct and proximate result of Defendants' malicious, reckless, wanton and bad faith conduct, Plaintiff has suffered and continues to suffer reputational and emotional harm, lost employment and related benefits, past and future economic and non-economic losses, pain and suffering, including physical and mental suffering, and other damages resulting therefrom.

14. Defendants are liable to Plaintiff for this claim for compensatory and punitive damages, costs and reasonable attorneys fees.

**COUNT TWO**  
**(Intentional Infliction of Emotional Distress)**

15. Plaintiff incorporates into this paragraph the allegations from each of the preceding paragraphs.

16. In addition to the conduct described above, Defendants have engaged in other wrongful conduct with malicious purpose, recklessly, wantonly and in bad faith, including making false statements damaging to Plaintiff's reputation and harassing to Plaintiff.

17. Defendants either intended to cause Plaintiff emotional distress, or knew or should have known that their conduct would result in severe emotional distress to Plaintiff.

18. The conduct of Defendants was so extreme and outrageous that it goes beyond all possible bounds of decency and is utterly intolerable in a civilized community.

19. Defendants' conduct has caused Plaintiff harm, and no reasonable person could be expected to endure the harm caused by Defendants.

20. Defendants through their agents and employees, know or should have known of the actions of the other Defendants and ratified, participated or acquiesced in the defamatory acts of the other Defendants.

21. Defendants' conduct as described above was done willfully, wantonly, recklessly, maliciously and in bad faith.

22. As the direct and proximate result of the Defendants' wrongful conduct stated above, Plaintiff has suffered extreme anguish, humiliation and emotional distress,

economic and noneconomic past and future damages, reputational and emotional harm and other damages resulting therefrom.

23. Defendants are liable to Plaintiff for compensatory and punitive damages, attorneys fees and costs.

**COUNT THREE**  
**(Civil Conspiracy)**

24. Plaintiff incorporates into this paragraph the allegations from each of the preceding paragraphs.

25. On or about 2010, Defendants formed a conspiracy with willful and malicious motives, in bad faith, and in a wanton or reckless manner, to intentionally inflict emotional distress, abuse, injure discredit, vilify and otherwise defame Plaintiff.

26. As part of their conspiracy, Defendants repeatedly published and caused to be published false and defamatory statements about Plaintiff with willful and malicious motives, in bad faith, and in a wanton or reckless manner, with a goal of (among other improper goals) defaming and intentionally inflicting emotional distress upon Plaintiff.

27. By reason of such conspiracy, Plaintiff has been injured and has suffered great pain and mental anguish.

28. Defendants University Hospitals Health System, Inc. dba University Hospitals and University Hospitals Medical Group, Inc., through its agents and employees, knew or should have known of the conspiracy by the other Defendants and ratified, participated, or acquiesced in the conspiracy against Plaintiff.

29. As the direct and proximate result of Defendants' malicious, reckless, wanton and bad faith conduct, Plaintiff has suffered and continues to suffer reputational and

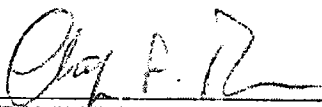
emotional harm, pain and suffering, including physical and mental suffering, and other past and future economic and noneconomic damages resulting therefrom.

30. Defendants are liable to Plaintiff Kelly for past and future economic and non-economic harm, pain and suffering, punitive damages, reasonable attorneys fees and costs, and related damages alleged herein.

**CONCLUSION**

Plaintiff seeks an amount in excess of \$25,000 to fully, fairly and justly compensate her for her injuries, damages and losses. She respectfully requests that this Court enter judgment in her favor and award her past and future compensatory damages, actual damages, consequential damages, incidental damages, reliance damages, expectation damages, punitive damages, interest, fees and costs, and any additional legal or equitable relief as justice requires, including compensatory damages for emotional harm and reputational loss.

Respectfully submitted,

  
CHRISTOPHER P. THORMAN (0056013)  
cthorman@thllaw.com

*Attorney for Plaintiff*

THORMAN & HARDIN-LEVINE CO., L.P.A.  
The Bradley Building  
1220 West Sixth Street, Suite 207  
Cleveland, Ohio 44113  
Phone (216) 621-9767  
Fax (216) 621-3422

GERALD E. FUERST  
CLERK OF COURTS  
1200 ONTARIO STREET  
CLEVELAND OH, 44113-0000

**CERTIFIED MAIL**

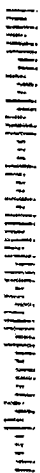


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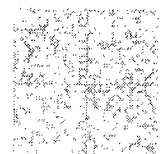
## RETURN RECEIPT REQUESTED

SHOWING TO WHOM, DATE AND ADDRESS WHERE DELIVERED

UNIVERSITY HOSPITALS MEDICAL GROUP INC  
C/O ITS STAT AGENT JANET MILLER  
3605 WARRENSVILLE CENTER ROAD  
MSC 9110  
SHAKER HTS. OH 44122-0000



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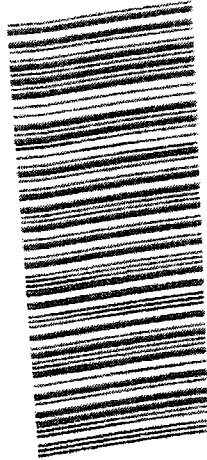
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GERALD E. FURST  
CLERK OF COURTS  
1200 ONTARIO STREET  
CLEVELAND OH, 44113-0000

FOLD BACK THEN TEAR OUT →

**CERTIFIED MAIL**



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## RETURN RECEIPT REQUESTED

SHOWING TO WHOM, DATE AND ADDRESS WHERE DELIVERED

UNIVERSITY HOSPITALS HEALTH SYSTEMS INC  
DEA UNIVERSITY HOSPITALS  
C/O ITS STAT AGENT JANET MILLER  
3605 WARRENSVILLE CENTER ROAD  
MSC 9110  
SHAKER HTS. OH 44122-0000

